

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WENDY MAGUIRE, an individual,

Plaintiff,

v.

ECO SCIENCE SOLUTIONS, INC., a
Nevada corporation; GA-DU
CORPORATION, a Nevada corporation;
MICHAEL ROUNTREE, an individual; and
L. JOHN LEWIS, an individual,

Defendants.

NO.

COMPLAINT

JURY DEMAND

Plaintiff Wendy Maguire, through her attorneys of record, Skellenger Bender, P.S., by way of Complaint against Defendants ECO SCIENCE SOLUTIONS, INC., GA-DU CORPORATION, MICHAEL ROUNTREE, and L. JOHN LEWIS (collectively, “Defendants”), alleges as follows:

I. PARTIES

1. Plaintiff Wendy Maguire is, and at all times relevant to this Complaint was, a resident of King County, Washington.

2. Defendant Eco Science Solutions, Inc. (“ESSI”) is, and at all times relevant to this Complaint was, a Nevada for profit corporation, with its principal place of business in Hawaii, and actively engaged in and conducting business in Washington.

3. Defendant Ga-Du Corporation (“Ga-Du”) is, and at all times relevant to this Complaint was, a Nevada for profit corporation, with its principal place of business in Salt Lake City, Utah, and actively engaged in and conducting business in Washington.

4. Defendant Michael Rountree is, and at all times relevant to this Complaint was, the Chief Operations Officer (“COO”) of ESSI and oversees operations for ESSI’s subsidiary, Ga-Du. Upon information and belief, Defendant Rountree is a resident of Orange County, California.

5. Defendant L. John Lewis is, and at all times relevant to this Complaint was, the Chief Executive Officer (“CEO”) of ESSI’s subsidiary, Ga-Du. Upon information and belief, Defendant Lewis is a resident of Salt Lake City, Utah.

II. JURISDICTION & VENUE

6. This Court has jurisdiction under 28 U.S.C. § 1331 (federal question jurisdiction) over the subject matter of Mrs. Maguire’s FLSA claim because this claim arises under federal law.

7. This Court has supplemental jurisdiction under 28 U.S.C. § 1367(a) over the subject matter of Mrs. Maguire’s state law claims because they arise under the same case or controversy as Mrs. Maguire’s federal claim.

8. This Court also has jurisdiction under 28 U.S.C. § 1332 (diversity jurisdiction) over the subject matter of Mrs. Maguire’s claims because the Parties are diverse and Mrs. Maguire’s claims for damage exceed \$75,000.

1 17. As of the date of filing this Complaint, neither ESSI nor Ga-Du have paid Mrs.
2 Maguire her wages and she has not received any portion of her accrued annual salary.

3 18. Mrs. Maguire made several requests to the management members of both ESSI
4 and Ga-Du that she receive her salary, including but not limited to, on one occasion in April
5 2018, in which Mrs. Maguire submitted a written request to Defendant Michael Rountree
6 (ESSI's COO), Gannon Giguere (one of ESSI's owners), and Mr. Tucker, expressing that she
7 would pursue legal action if they continued to withhold her salary.

8 19. Despite Mrs. Maguire's repeated requests for compensation, ESSI and Ga-Du
9 have willfully refused to pay Mrs. Maguire the wages she has earned and is entitled to
10 receive.

11 20. Upon information and belief, ESSI's COO and CEO, Defendants Michael
12 Rountree and L. John Lewis were the individuals primarily responsible for deciding to
13 withhold Mrs. Maguire's wages.

14 21. On August 15, 2018, Mrs. Maguire, by and through her undersigned counsel,
15 wrote Defendants a Demand Letter, and provided Defendants with an early draft of this
16 subject Complaint, demanding that she be paid her withheld wages and exemplary damages,
17 so as to avoid litigation.

18 22. On August 24, 2018, Ga-Du's CEO, Defendant L. John Lewis, responded in
19 writing that ESSI and Ga-Du would not timely pay Mrs. Maguire her wages, and that if Mrs.
20 Maguire proceeded with a lawsuit against ESSI and Ga-Du, that the company would
21 counterclaim against Mrs. Maguire for over \$500,000 on legal claims that plainly lacked legal
22 or factual merit.
23

23. Upon information and belief, Defendant Lewis stated these “counterclaims” with the express purpose of intimidating Mrs. Maguire and discouraging her from pursuing her rights under state and federal wage law.

**IV. FIRST CAUSE OF ACTION
VIOLATION OF THE FLSA**

24. Mrs. Maguire realleges paragraphs 1 through 23 as though fully restated herein.

25. Between June 2017 and present, Defendants ESSI, Ga-Du, Rountree, and Lewis have been employers of Mrs. Maguire under the FLSA.

26. Defendants agreed in June 2017 to pay Mrs. Maguire \$120,000 a year for her employment as Ga-Du’s Vice President of Business Development.

27. Defendants failed to pay Mrs. Maguire her wages for her work as an employee.

28. Defendants showed reckless disregard for the fact that their failure to pay Mrs. Maguire was in violation of the law.

29. Mrs. Maguire has been damaged as a result in an amount to be proven at trial and is also entitled to attorneys’ fees and liquidated damages under the law.

**V. SECOND CAUSE OF ACTION
VIOLATION OF WASHINGTON MINIMUM WAGE AND WAGE REBATE ACTS**

30. Mrs. Maguire realleges paragraphs 1 through 29 as though fully restated herein.

31. Between June 2017 and present, Mrs. Maguire has been employed by ESSI and Ga-Du, as defined under RCW chapter 49.46 (the Washington Minimum Wage Act or "MWA") and RCW chapter 49.52 (Washington’s Wage Rebate Act).

1 32. Defendants agreed in June 2017 to pay Mrs. Maguire \$120,000 a year for her
2 employment as Ga-Du's Vice President of Business Development.

3 33. Defendants violated RCW 49.46.020 by failing to pay Mrs. Maguire any
4 wages for her work as Ga-Du's Vice President of Business Development between June 2017
5 and present.

6 34. Defendant Michael Rountree was an officer, and/or agent of ESSI and/or Ga-
7 Du and individually participated in the decision to withhold Mrs. Maguire's wages.

8 35. Defendants' violations of RCW chapters 49.46 and 49.52 were willful and
9 made with the intent to deprive Mrs. Maguire of wages and thus give rise to exemplary
10 damages under RCW 49.52.050 and RCW 49.52.070.

11 36. Mrs. Maguire has been damaged as a result in an amount to be proven at trial
12 and is also entitled to attorneys' fees and exemplary damages under the law.

13 **VI. THIRD CAUSE OF ACTION**
14 **UNLAWFUL RETALIATION**

15 37. Mrs. Maguire realleges paragraphs 1 through 36 as though fully restated herein.

16 38. Mrs. Maguire attempted to exercise her rights under the FLSA and
17 Washington's Minimum Wage and Wage Rebate Acts in August 2018, by advising ESSI and
18 Ga-Du of her intention to bring a claim to recover the withheld wages.

19 39. Defendant Lewis retaliated against Mrs. Maguire by attempting to intimidate
20 Mrs. Maguire with \$500,000 of legally and factually specious "counterclaims," in violation of
21 Section 15(a)(3) of the FLSA and RCW 51.48.025.

22 40. As a result of Defendant Lewis's unlawful conduct, Mrs. Maguire has been
23 damaged in an amount to be proven at trial.

**VII. FOURTH CAUSE OF ACTION
BREACH OF CONTRACT**

41. Mrs. Maguire realleges paragraphs 1 through 40 as though fully restated herein.

42. Mrs. Maguire executed an enforceable employment agreement with Ga-Du and its parent company, ESSI, in June 2017.

43. Under the agreement, Ga-Du and ESSI promised to pay Mrs. Maguire an annual salary of \$120,000 in exchange for her employment as Ga-Du's Vice President of Business Development.

44. Ga-Du and ESSI's actions amount to a breach of contract.

45. Mrs. Maguire has been damaged in an amount to be proven at trial.

**VIII. FIFTH CAUSE OF ACTION
IN THE ALTERNATIVE – UNJUST ENRICHMENT**

46. Mrs. Maguire realleges paragraphs 1 through 45 as though fully restated herein.

47. Should the Court deny Mrs. Maguire's other claims for withheld wages and compensation, she is entitled to relief for unjust enrichment/quantum meruit against Defendants ESSI and Ga-Du.

48. ESSI and Ga-Du received a benefit.

49. ESSI and Ga-Du received the benefit at Mrs. Maguire's expense.

50. The circumstances make it unjust for Defendants ESSI and Ga-Du to retain the benefit without payment.

51. Mrs. Maguire has been damaged as a result of ESSI and Ga-Du's receipt of the benefit of her work without compensation in an amount to be proven at trial.

IX. PRAYER FOR RELIEF

WHEREFORE, Plaintiff Wendy Maguire prays for relief against Defendants as follows:

1. Enter judgment in favor of Mrs. Maguire, and against Defendants, in an amount to be proven at trial or other hearing;
2. Enter an Order that Defendants' conduct in failing to pay Mrs. Maguire was willful;
3. Award her reasonable attorneys' fees and expenses of litigation;
4. Award her exemplary damages as permitted by law;
5. Award her prejudgment interest;
6. Award her injunctive relief, prohibiting Defendants from retaliating against Mrs. Maguire;
7. Permit her to amend her Complaint to conform to proof discovered prior to or offered at the time of trial or other hearing; and
8. For such further and additional relief as the Court deems just and equitable.

Dated this 31st day of August, 2018.

s/Rochelle Y. Nelson

Rochelle Y. Nelson, WSBA #48175

Alan D. Schuchman, WSBA #45979

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